

U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:23-cv-01615

Thomas et al v. Joule Processing LLC et al **Count 5– Breach of contract**
of the Consulting Agreement electronically transferred to USDC
ND/NY– Albany Division.

Assigned to: Judge Keith P Ellison
Cause: 18:1836(b) Civil Action to Protect Trade Secrets

Date Filed: 05/02/2023

Jury Demand: Plaintiff

Nature of Suit: 880 Defend Trade Secrets Act (of 2016)

Jurisdiction: Federal Question

Plaintiff

Jacob Thomas

represented by **Charles Vethan**
The Vethan Law Firm
820 Gessner Rd.
Ste. 1510
Houston, TX 77024
713-526-2222
Email: edocs@vethanlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

J Turbo Engineering and Technology LLC

represented by **Charles Vethan**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Joule Processing LLC

represented by **Marc Daniel Katz**
DLA Piper LLP
1900 North Pearl Street
Suite 2200
Dallas, TX 75201
(214) 743-4500
Fax: (214) 743-4545
Email: marc.katz@dlapiper.com
ATTORNEY TO BE NOTICED

Defendant

Plug Power Inc.

represented by **Marc Daniel Katz**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/02/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number BTXSDC-29846481) filed by Jacob Thomas, J Turbo Engineering and Technology LLC. (Attachments: # <u>1</u> Civil Cover Sheet)(Vethan, Charles) (Entered: 05/02/2023)

05/02/2023	<u>1</u> <u>2</u>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <u>1</u> Request for Issuance of Summons, # <u>2</u> Request for Issuance of Summons)(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>3</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit 001)(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>4</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>5</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>6</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>7</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit 007, # <u>2</u> Exhibit 008, # <u>3</u> Exhibit 009, # <u>4</u> Exhibit 010)(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>8</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit 012)(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>9</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>10</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>11</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit 017)(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>12</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 05/02/2023)
05/02/2023	<u>1</u> <u>13</u>	Supplemental EXHIBITS re: <u>1</u> Complaint by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit 015, # <u>2</u> Exhibit 018)(Vethan, Charles) (Entered: 05/02/2023)
05/03/2023	<u>1</u> <u>14</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 8/25/2023 at 09:30 AM in Courtroom 3A Houston before Judge Keith P Ellison. (Signed by Judge Keith P Ellison) Parties notified.(RebeccaBecknal, 4) (Entered: 05/03/2023)
05/04/2023	<u>1</u> <u>15</u>	Summons Issued as to All Defendants. Issued summons delivered to plaintiff by NEF, filed. (Attachments: # <u>1</u> summons, # <u>2</u> summons)(RebeccaBecknal, 4) (Entered: 05/04/2023)
06/21/2023	<u>1</u> <u>16</u>	STIPULATION by J Turbo Engineering and Technology LLC, filed.(Vethan, Charles) (Entered: 06/21/2023)
07/28/2023	<u>1</u> <u>17</u>	MOTION to Dismiss <i>Counts 4 Through 9 of Plaintiffs' Original Complaint</i> by Joule Processing LLC, Plug Power Inc., filed. Motion Docket Date 8/18/2023. (Attachments: # <u>1</u> Proposed Order)(Katz, Marc) (Entered: 07/28/2023)
07/28/2023	<u>1</u> <u>18</u>	Unopposed MOTION for Extension of Time To Answer Plaintiffs' Original Complaint Not Subject To Defendants' Motion to Dismiss by Joule Processing LLC, Plug Power Inc., filed. Motion Docket Date 8/18/2023. (Attachments: # <u>1</u> Proposed Order)(Katz, Marc) (Entered: 07/28/2023)
07/28/2023	<u>1</u> <u>19</u>	

		CORPORATE DISCLOSURE STATEMENT by Joule Processing LLC, Plug Power Inc., filed.(Katz, Marc) (Entered: 07/28/2023)
07/28/2023	<u>20</u>	ORDER granting <u>18</u> Motion for Extension of Time;.(Signed by Judge Keith P Ellison) Parties notified.(arrivera, 4) (Entered: 07/28/2023)
08/15/2023	<u>21</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 08/15/2023)
08/15/2023	<u>22</u>	Proposed Docket Control Order by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 08/15/2023)
08/18/2023	<u>23</u>	RESPONSE to <u>17</u> MOTION to Dismiss <i>Counts 4 Through 9 of Plaintiffs' Original Complaint</i> filed by J Turbo Engineering and Technology LLC, Jacob Thomas. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Vethan, Charles) (Entered: 08/18/2023)
08/22/2023	<u>24</u>	SCHEDULING ORDER. Joinder of Parties due by 11/22/2023. Pltf Expert Witness List due by 8/9/2024. Deft Expert Witness List due by 10/11/2024. Discovery due by 11/18/2024. Dispositive and Non-Dispositive Motion Filing due by 1/17/2025. Joint Pretrial Order due by 3/10/2025. Jury Trial set for 3/17/2025 at 09:00 AM before Judge Keith P Ellison(Signed by Judge Keith P Ellison). Parties notified. (MaraGonzales, 2) (Entered: 08/22/2023)
08/23/2023	<u>25</u>	initial conference is terminated. (arrivera, 4) (Entered: 08/23/2023)
08/25/2023	<u>25</u>	REPLY in Support of <u>17</u> MOTION to Dismiss <i>Counts 4 Through 9 of Plaintiffs' Original Complaint</i> , filed by Joule Processing LLC, Plug Power Inc.. (Katz, Marc) (Entered: 08/25/2023)
10/23/2023	<u>26</u>	MOTION for Preliminary Injunction by Jacob Thomas, filed. Motion Docket Date 11/13/2023. (Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>27</u>	PROPOSED ORDER <i>on Plaintiff's Verified</i> re: <u>26</u> MOTION for Preliminary Injunction, filed.(Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>28</u>	DECLARATION re: <u>26</u> MOTION for Preliminary Injunction, filed.(Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>29</u>	Signed Acknowledgement of Gina Hong by Jacob Thomas, filed.(Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>30</u>	Other EXHIBITS re: <u>26</u> MOTION for Preliminary Injunction by Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Joules Website from 2020, # <u>2</u> Exhibit Joule and JTurbos NDA, # <u>3</u> Exhibit Original Exclusivity Agreement, # <u>4</u> Exhibit Plug and JTurbos NDA, # <u>5</u> Exhibit Amended Exclusivity Agreement, # <u>6</u> Exhibit NDA with third party, # <u>7</u> Exhibit NDA with third party, # <u>8</u> Exhibit NDA with third party, # <u>9</u> Exhibit NDA with third party, # <u>10</u> Exhibit NDA with third party, # <u>11</u> Exhibit NDA with third party, # <u>12</u> Exhibit NDA with third party, # <u>13</u> Exhibit Joules Website Article regarding Plug acquiring Joule)(Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>31</u>	Other EXHIBITS re: <u>26</u> MOTION for Preliminary Injunction by Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Plugs first post on LinkedIn, # <u>2</u> Exhibit Consulting Agreement, # <u>3</u> Exhibit Plugs second post on LinkedIn, # <u>4</u> Exhibit Sept 27, 2023 Webinar post, # <u>5</u> Exhibit Website regarding Flanders Awards, # <u>6</u> Exhibit House Bill 2847, # <u>7</u> Exhibit House Bill 4885, # <u>8</u> Exhibit Article on US National Clean Hydrogen Strategy Roadmap, # <u>9</u> Exhibit Screenshots of the Sept 27 Webinar)(Vethan, Charles) (Entered: 10/23/2023)
10/23/2023	<u>32</u>	SEALED EXHIBITS re: <u>26</u> MOTION for Preliminary Injunction by Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Redacted Process Simulation UNDER SEAL, # <u>2</u> Exhibit Sept. 29, 2021 Email RE Design Fee Agreement UNDER SEAL, # <u>3</u> Exhibit Chart comparison at different inputs – UNDER SEAL, # <u>4</u> Exhibit Email with Jacob Leachem to validate – UNDER SEAL, # <u>5</u> Exhibit

		Feb 8, 2022 email regarding Simulations UNDER SEAL) (Vethan, Charles) (Entered: 10/23/2023)
10/24/2023	<u>33</u>	NOTICE of Setting as to <u>26</u> MOTION for Preliminary Injunction. Parties notified. Status Conference set for 10/27/2023 at 02:30 PM in by telephone before Judge Keith P Ellison, filed. (ArturoRivera, 4) (Entered: 10/24/2023)
10/27/2023	<u>34</u>	Minute Entry for proceedings held before Judge Keith P Ellison. STATUS CONFERENCE held on 10/27/2023. The Court will defer judgment on Plaintiffs Motion for Preliminary Injunction pending briefing. Appearances: Joseph Lanza, Gina Hong, Marc Katz, Mallory Biblo (Court Reporter: G. Dye) (Law clerk: EE), filed.(ArturoRivera, 4) (Entered: 10/30/2023)
10/31/2023	<u>34</u>	STIPULATION re: To Stay Briefing on Plaintiff's Verified Applicaiton for Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief by Joule Processing LLC, Plug Power Inc., filed. (Attachments: # <u>1</u> Proposed Order)(Katz, Marc) (Entered: 10/31/2023)
11/01/2023	<u>35</u>	ORDER granting <u>34</u> Stipulation, (Signed by Judge Keith P Ellison) Parties notified.(ArturoRivera, 4) (Entered: 11/01/2023)
11/17/2023	<u>36</u>	AMENDED APPLICATION against All Defendants filed by Jacob Thomas, J Turbo Engineering and Technology LLC. Related document: <u>1</u> Complaint filed by Jacob Thomas, J Turbo Engineering and Technology LLC. (Attachments: # <u>1</u> Proposed Order Proposed Order Granting Plaintiff's Amended Application, # <u>2</u> Unredacted attachment Declaration of Jacob Thomas, # <u>3</u> Unredacted attachment Certificate of Acknowledgement – Gina Hong)(Vethan, Charles) (Entered: 11/17/2023)
11/17/2023	<u>37</u>	Supplemental EXHIBITS re: <u>36</u> Amended Complaint/Counterclaim/Crossclaim etc., by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 7, # <u>7</u> Exhibit Exhibit 8, # <u>8</u> Exhibit Exhibit 9, # <u>9</u> Exhibit Exhibit 10)(Vethan, Charles) (Entered: 11/17/2023)
11/17/2023	<u>38</u>	Supplemental EXHIBITS re: <u>36</u> Amended Complaint/Counterclaim/Crossclaim etc., by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Exhibit 11, # <u>2</u> Exhibit Exhibit 12, # <u>3</u> Exhibit Exhibit 13, # <u>4</u> Exhibit Exhibit 14, # <u>5</u> Exhibit Exhibit 15, # <u>6</u> Exhibit Exhibit 16, # <u>7</u> Exhibit Exhibit 17, # <u>8</u> Exhibit Exhibit 19, # <u>9</u> Exhibit Exhibit 20)(Vethan, Charles) (Entered: 11/17/2023)
11/17/2023	<u>39</u>	Supplemental EXHIBITS re: <u>36</u> Amended Complaint/Counterclaim/Crossclaim etc., by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Exhibit 22, # <u>2</u> Exhibit Exhibit 23, # <u>3</u> Exhibit Exhibit 24, # <u>4</u> Exhibit Exhibit 25, # <u>5</u> Exhibit Exhibit 26, # <u>6</u> Exhibit Exhibit 27, # <u>7</u> Exhibit Exhibit 28, # <u>8</u> Exhibit Exhibit 29)(Vethan, Charles) (Entered: 11/17/2023)
11/20/2023	<u>40</u>	Supplemental SEALED EXHIBITS re: <u>36</u> Amended Complaint/Counterclaim/Crossclaim etc., by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Exhibit 6, # <u>2</u> Exhibit Exhibit 18) (Vethan, Charles) (Entered: 11/20/2023)
11/20/2023	<u>41</u>	Supplemental EXHIBITS re: <u>36</u> Amended Complaint/Counterclaim/Crossclaim etc., by J Turbo Engineering and Technology LLC, Jacob Thomas, filed. (Attachments: # <u>1</u> Exhibit Exhibit 21)(Vethan, Charles) (Entered: 11/20/2023)
11/21/2023	<u>42</u>	STIPULATION re: Joint Stipulation to Respond/Reply to Amended Application for Injunctive Relief by Joule Processing LLC, Plug Power Inc., filed. (Attachments: # <u>1</u> Proposed Order)(Katz, Marc) (Entered: 11/21/2023)
11/22/2023	<u>43</u>	ORDER STAYING CASE granting <u>42</u> Stipulation (Signed by Judge Keith P Ellison) Parties notified.(ArturoRivera, 4) (Entered: 11/22/2023)
11/27/2023	<u>44</u>	

		Protective Order by J Turbo Engineering and Technology LLC, Jacob Thomas, filed.(Vethan, Charles) (Entered: 11/27/2023)
12/05/2023	<u>I 45</u>	MEMORANDUM AND ORDER granting in part <u>17</u> MOTION to Dismiss. Counts 4, 6, 7, 8 are dismissed with prejudice. Count 5 is severed and transferred that claim to USDC ND/ NY– Albany Division. (Signed by Judge Keith P Ellison) Parties notified.(GabrielleLyons, 4) (Entered: 12/05/2023)
12/05/2023	<u>II</u>	Interdistrict transfer to USDC ND/NY– Albany. Count 5– Breach of contract of the Consulting Agreement is transferred electronically, filed. (GabrielleLyons, 4) (Entered: 12/05/2023)